IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

CRL.A.No. 95 of 2002()

CC.198/1999 of CHIEF JUDICIAL MAGISTRATE COURT, THODUPUZHA
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APPELLANT: APPELLANT/COMPLAINANT

MATHAI @ JOY, S/O. P.M.ELIYAS,
PULICKAL HOUSE, MUTTOM P.O., THODUPUZHA.

BY ADV. SRI.GEORGEKUTTY MATHEW

RESPONDENTS: ACCUSED
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1. **MARIAMMA, W/O.JOSEPH @ CHACKO,**
   POOVATHINKAL HOUSE, MUTTOM P.O.,
   CHALAVAYAL, THODUPUZHA.

2. **STATE OF KERALA, REPRESENTED BY THE**
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 18/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.A.NO.95 of 2002

Dated , 18th July, 2007.

JUDGMENT

Appellant is the complainant in C.C.No.198/99, the proceedings initiated under section 138 of the Negotiable Instruments Act in which the accused was acquitted under section 256(1) Cr.P.C. It is submitted that the complainant could not appear on the particular day as he was held up in traffic block. In the circumstances, the appeal is allowed. The order of the court below is set aside. The court below is directed to permit the complainant to further pursue the matter and dispose of the case on merits. The appellant would take out fresh summons to the accused.

The appellant shall appear before the court below on 8-8-2007.

(K.R.UDAYABHANU)
JUDGE.

Kvm/-

K.R.UDAYABHANU, J.

CRL.A.NO. 95 OF 2002

JUDGMENT

18-7-2007.